

## THIRTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Tuesday, Oct. 24, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. No quorum present.

Absent—Senators Cole, Ford, Fountain, Gaines, Mills, Pridgen, Rawson, Saylor, Tendick.

Absent, excused—Senator Pickett.

On motion of Senator Broughton the Senate took a recess until 10:30 o'clock A. M.

10:30 O'CLOCK A. M.—IN SENATE.

No quorum present.

The Sergeant-at-Arms being dispatched for the absentees, Senators Cole, Gaines, Pridgen, Rawson and Tendick appeared and answered to their names. Quorum present.

Prayer by the Chaplain.

Reading of journal of yesterday.

11 O'CLOCK A. M.

Pending the reading of the journal, the hour arrived for the consideration of the special order, Senate bill No. 395, "An act in regard to the registration of voters."

On motion of Senator Flanagan, the consideration of the special order was postponed until 11 A. M. to-morrow.

Reading of journal resumed.

Journal of yesterday read and adopted.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for concurrence the following House bills: No. 552, "An act further regulating juries;" No. 563, "An act to authorize the employment of interpreters and translators in certain cases therein mentioned;" No. 567, "An act to incorporate the Texas Joint Stock Association, of the city of Houston;" No. 572, "An act to increase the fees of sheriffs, for the transportation of prisoners to the State Penitentiary;" No. 585, "An act to incorporate the Manual Labor School of Texas;" No. 590, "An act regulating practice in the Supreme Court;" No. 593, "An act further regulating and defining the jurisdiction of the district courts of this State;" No. 595, "An act to incorporate the Houston Tannery and Leather Manufacturing Company;" No. 607, "An act to amend section three of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved

August 13, 1870;" No. 617, "An act to incorporate the Banking, Insurance and Mutual Aid Association of Texas;" No. 625, "An act giving the Governor access to and authority to examine books, papers and records in the offices of the various departments, and also authorizing him to withdraw such from file in certain contingencies;" No. 639, "An act supplementary to the different acts providing for the authentication and registry of deeds and instruments of writing, and providing for making certified copies of deeds and other instruments of writing evidence in the various courts of this State;" No. 652, "An act for the relief of Edward Delaney;" No. 712, "An act to validate the acts of deputies of justices of the peace;" No. 724, "An act authorizing and requiring the surveyor of Dallas county to transcribe certain records of his office and to make a general index;" No. 737, "An act to establish a ferry across the Sabine river at Mann's Bluff in the county of Panola;" No. 742, "An act to incorporate the Richmond Bridge Company;" No. 749, "An act to incorporate the Bryan Real Estate Building and Joint Stock Association of Bryan, Texas."

### PETITIONS AND MEMORIALS.

By Senator Shannon: a petition of citizens of Hood county, asking an appropriation of the State tax of said county for the years 1871 and 1872 for the purpose of building a court house and jail. Read and referred to the Committee on Finance.

By Senator Dohoney: a memorial from citizens of Fannin and Lamar counties, asking for a hog law. Read and referred to the Committee on Stock and Stockraising.

### BILLS AND RESOLUTIONS.

By Senator Baker: a bill (Senate bill No. 518) to be entitled, "An act to authorize the County Court of Marion county to issue coupon interest bearing bonds for the building of a court house and jail, and to levy a tax to pay for the same." Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Baker the rules were further suspended and Senate bill No. 518 read third time and passed.

By Senator Bell: a bill (Senate bill No. 519) to be entitled, "An act to aid the available school fund in placing on a sound and durable foundation, and maintaining a system of public free schools, and to authorize the negotiation of a loan for that purpose." Read first time and referred to the Committee on State Affairs.

By Senator Saylor: a bill (Senate bill No. 520) to be entitled "An act for the relief of the heirs of Joseph Keer and Nathaniel W. Keer." Read first time and referred to the Committee on Private Land Claims.

The following House bills were taken from file, read first time and referred respectively as follows:

To the Committee on Public Printing: House joint resolution No. 28, "Joint resolution to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature by section five of 'an act regulating public printing,' approved August 13, 1870."

To the Committee on Finance: Substitute House bill No. 747, "An act authorizing a loan to meet deficiencies in the revenue of the State."

To the Committee on Education: House bill No. 532, "An act to incorporate the Garden Valley Seminary;" House bill No. 302, "An act to prohibit the sale of spirituous or vinous liquors within two miles of Rockwall Institute, in Kaufman county, Texas."

To the Committee on County and County Boundaries: House bill No. 821, "An act permanently establishing the county site of Rains county;" House bill No. 815, "An act permanently establishing the county seat of Menard county."

To the Committee on State Affairs: House bill No. 542, "An act to incorporate the Brazos Navigation Company;" House bill No. 511, "An act to incorporate the Thomaston Grain Mills, Cotton Gin and Manufacturing Company;" House bill No. 369, "An act to incorporate the Southwestern Forwarding and Express Company;" House bill No. 368, "An act to incorporate the Texas State Medical Association;" House bill No. 22, "An act to incorporate the Greenville Masonic and Odd Fellows University, located at Greenville, Hunt county, Texas."

To the Committee on Internal Improvements: House bill No. 339, "An act to incorporate the Trespacios Red River Railroad Company of Texas;" House bill No. 380, "An act to incorporate the Jefferson, Dallas and Brazos Railroad Company."

To the Committee on Judiciary: House bill No. 533, "An act to prevent the issuance of patents upon certificates unless properly authenticated;" House bill No. 480, "An act to amend an act entitled 'an act defining the homestead and other property exempt from forced sale in this State,' approved August 15, 1870;" House joint resolution No. 18, "Joint resolution proposing an amendment to article nine of the Constitution of the State of Texas;" House joint resolution No. 8, "For the relief of certain parties therein named;" House bill No. 538, "An act prescribing the manner of sell-

ing lands where the same are owned jointly with others whose lands are not to be sold;" House bill No. 535, "An act to amend the first section of 'an act to authorize clerks of the district courts, their deputies and notaries public to take acknowledgments of deeds and other written instruments,' approved August 8, 1870."

On motion of Senator Dohoney, the rules were suspended to take from file Senate joint resolution No. 44, "For the relief of James H. Skinner, sheriff of Henderson county, Texas." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pettit, the rules were further suspended and the resolution read third time and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Shannon Tendick—24.

Nays—Mills—1.

Under direction of the President, the Secretary carried to the House for concurrence, Senate bills as follows: Senate bill No. 472, "An act to incorporate the Texas European Steamship and Land Company;" Senate bill No. 443, "An act explanatory of the tax laws of the State of Texas, and to avoid double taxation." Also informing the House that the Senate had passed, with amendment, House bill No. 776, "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871."

By leave, Senator Latimer introduced a bill (Senate bill No. 521) to be entitled "An act to authorize Sim. Davis and associates to construct, own and keep a toll bridge on Sulphur Fork of Red river." Read first time; rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Cole the rules were further suspended and the bill read third time and passed.

President Campbell presented the following communication from Professor Van Nostrand:

SENATE CHAMBER,  
Austin, Oct. 24, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

DEAR SIR: Having availed myself of the use of the hall of the House of Representatives for an examination of the pupils of the Institution for the Deaf and Dumb, on Wednesday, October 25, at 8 o'clock P. M., I would respectfully invite the officers and members of the Senate to be present on that occasion.

Very respectfully, yours, etc.,

J. VAN NOSTRAND, Superintendent.

On motion of Senator Evans, the rules were suspended to take from file House bill No. 724, "An act authorizing and requiring the surveyor of Dallas county to transcribe certain records of his office, and to make a general index." Read first time and passed to a second reading.

On motion of Senator Evans, the rules were further suspended, and the bill read second time and passed to a third reading.

On motion of Senator Evans, the rules were further suspended and House bill No. 724 read third time and passed.

On motion of Senator Cole the rules were suspended to take from file House concurrent resolution No. 12, in relation to adjournment. Read second time.

Senator Gaines moved to postpone the further consideration of the resolution until Monday next at 12 M.

Yeas and nays called for and motion to postpone lost by the following vote:

Yeas—Mr. President, Douglas, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Rawson, Ruby, Tendick—12.

Nays—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Evans, Latimer, Mills, Pettit, Pridgen, Pyle, Shannon—13.

Senator Cole moved to amend the resolution by striking out all after the words, "twelve o'clock M."

Yeas and nays called for and the amendment adopted by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pridgen, Pyle, Rawson, Saylor—18.

Nays—Dohoney, Douglas, Latimer, Mills, Pettit, Ruby, Shannon, Tendick—8.

Senator Ruby offered the following amendment: amend by striking out the words "twelfth of November" and insert in lieu thereof the words "thirtieth of October."

Senator Gaines moved to refer the resolution and the amendment to a select committee with instructions to report on Saturday next at 11 A. M.

Yeas and nays called for and the motion to refer lost by the following vote:

Yeas—Douglas, Ford, Gaines, Hall.—4

Nays—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Evans, Flanagan, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—22.

The question recurring upon the amendment offered by Senator Ruby, Senator Broughton moved to reject the amendment.

Yeas and nays called for, and motion to reject carried by the following vote :

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pridgen, Pyle, Rawson, Shannon—19.

Nays—Mr. President, Flanagan, Ford, Pettit, Ruby, Saylor, Tendick—7.

The question being upon the adoption of the resolution as amended, yeas and nays were called for and House concurrent resolution No. 12 adopted by the following vote, and returned to the House :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Evans, Flanagan, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—23.

Nays—Douglas, Ford, Mills—3.

By leave, Senator Hall submitted the following report of the Committee on Counties and County Boundaries :

COMMITTEE ROOM, {  
Austin, Oct. 24, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 596, "An act to establish the county of Franklin," have had the same under careful consideration, and have instructed me to report the same back to the Senate and recommend that it do not pass.

P. W. HALL, Chairman.

Report read.

Senator Gaines moved to suspend the rules to consider the report and bill. Lost.

Report read and laid over under the rules.

On motion of Senator Tendick, the rules were suspended to take from file House bill No. 771, "An act to incorporate the Star Mining and Transportation Company." Read second time.

On motion of Senator Tendick the following amendments, reported by the Committee on State Affairs, were adopted: Amend section five, lines eleven and twelve, strike out the words "grants, privileges and exemptions;" in line fifteen insert after the word "the" and before the word "laws" the word "general." Bill passed to a third reading as amended.

On motion of Senator Tendick the rules were further suspended and House bill No. 771 read third time and passed.

## BILLS ON SECOND READING.

Senate bill No. 478, "An act to authorize the Commissioner of the General Land Office to appoint an assistant photographer, and making an appropriation therefor."

On motion of Senator Bowers the bill was recommitted to the Committee on Retrenchment and Reform.

By leave, Senator Mills submitted the following report of the Committee on Contingent Expenses :

COMMITTEE ROOM, }  
Austin, Oct. 24, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred Senate bill No. 515, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas," have had the said bill carefully under consideration, and I am instructed to report the bill back to the Senate and recommend its passage.

J. S. MILLS, Chairman.

On motion of Senator Gaines, the rules were suspended to consider the report and bill. Bill read second time, ordered engrossed and passed to a third reading.

Senator Mills moved to suspend the rules to read the bill a third time. Lost.

Senator Pyle moved that the Senate stand adjourned to 10:30 A. M. to-morrow.

Yeas and nays called for and motion carried by the following vote :

Yeas—Mr. President, Baker, Bowers, Broughton, Cole, Evans, Ford, Hall, Hillebrand, Parsons, Pridgen, Pyle, Rawson, Shannon—14.

Nays—Bell, Dohoney, Douglas, Flanagan, Gaines, Hertzberg, Mills, Pettit, Ruby, Tendick—10.

So the Senate at 12:30 P. M. adjourned to 10:30 A. M. to-morrow.

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